FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO. 122 OF 2007

Office Notes, Office Memoranda of Coram, appearances,Court's Orders or directions and Registry's orders.	Court's or Judges Orders.

Mr. Bhavesh Parmar for appellant.

CORAM : A.M.KHANWILKAR, J.
DATE : 20th February 2007.

P.C. :

1. Heard Counsel for the appellant. Perused the impugned judgment.

2. At the ad-interim stage, for the reasons recorded by the trial Court, which is the possible view, no interference is warranted. To get over the position, Counsel for the appellant contends that the order of suspension is not consistent with the spirit of Rule 24. This argument is devoid of substance. The Club has passed the order after complying with the necessary

formalities including of giving fair opportunity. This is the finding recorded by the trial Court at the ad-interim stage. That is the possible view. It is well-settled position that the order of suspension will have to be passed by the Club on the basis of subjective satisfaction on relevant matters. Rule 24 empowers the Club to suspend its members if the Club is of the opinion that the reputation or stability of the Club is put at peril. In the present case, the Club having exercised that power, it is not open for the Court at the ad-interim stage to doubt the correctness of that view. Suffice it to observe for the purpose of ad-interim relief, for the reasons recorded by the trial Court, no indulgence is warranted.

3. Counsel for the appellant has relied on the decision of the Apex Court, reported in (1993) 4 SCC 10 in the case of Rattan Lal Sharma vs. Managing Committee.

The fact as to whether the principles of natural justice have been adhered to during enquiry will have to be answered after the pleadings are completed at the stage of final disposal of the Notice of Motion. Thus understood, the Supreme Court decision pressed into service is of no avail.

4. Accordingly, this Appeal is disposed of with a direction to the trial Court to ensure that the Notice of Motion is finally disposed of expeditiously, preferably within four weeks from today as the order of suspension is for a period of 3 months only.

5. All questions are left open to be decided on its own merits.

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[A.M.KHANWILKAR, J.]